



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Claud Wolf
County Auditor
Howard County
Big Spring, Texas

Dear Sir:

Opinion No. O-4050
Re: Power of a commis-
sioners' court to sell
county supplies.

This department has received your request for an opinion. The following quotation represents the body of your letter:

"Is it legal for this county to sell gasoline out of its storage tank to the common school districts at cost for use in busses used to transport school children within the county?"

It is well settled that the commissioners' court is one of limited power and restricted jurisdiction in this State. It is a court derivative of our Constitution, and its power is limited by the Constitution and the statutory law. *El Paso County v. Elam* (O.C.A.) 106 S.W. (2d) 393, *Howard v. Henderson County*, (O.C.A.) 116 S.W. (2d) 479, *Hill County v. Bryant and Huffman*, (O.C.A.) 264 S.W. 520, *Von Rosenberg v. Lovett*, (C.C.A.) 173 S.W. 508, *Miller v. Brown*, (O.C.A.) 216 S.W. 452.

We have not found any law which would confer, either expressly or by implication, the necessary power upon the court to sell the county gasoline in question in the manner indicated. Consequently, this department must hold that the commissioners' court does not have the necessary

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legal authority to make these sales.

We feel that this fully answers your inquiry.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED NOV 14, 1941

Howe Miller BY
FIRST ASSISTANT
ATTORNEY GENERAL

Wm. J. Fanning
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CH:FS

By

Grundy Williams
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